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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,748	03/22/2004	Nasreen Chopra	10030543-1	9580

7590 11/10/2008  
AGILENT TECHNOLOGIES, INC.  
Legal Department, DL 429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, CO 80537-0599

EXAMINER
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PERUNGAVOOR, SATHYANARAYA V

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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11/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/805,748

**Applicant(s)**

CHOPRA ET AL.

**Examiner**

SATH V. PERUNGAVOOR

**Art Unit**

2624

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2, 4-8, 10, 11, 13, 15, 16, 19 and 21-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 4-8, 10, 11, 13, 15, 16, 19 and 21-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Applicant(s) Response to Official Action***

- [1] The response filed on July 18, 2008 has been entered and made of record.

### ***Response to Arguments/Amendments***

- [2] Presented arguments have been fully considered, but are rendered moot in view of the new ground(s) of rejection necessitated by amendment(s) initiated by the applicant(s).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- [3] Claims 2, 4-8, 10, 11, 13, 15, 16, 19, 21-24 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada et al. ("Yamada") [US 6,081,614].

Regarding claim 5, Yamada meets the claim limitations, as follows:

A method for providing feedback during an inspection of an object [fig. 5], the method comprising: receiving first image data representing the object (*i.e.* 103), the first image data being produced using an image parameter (*i.e.* focus) [fig. 5; col. 8, ll. 21-40]; determining an incorrect classification (*i.e.* error) of at least one feature (*i.e.* surface position) of the object based on the first image data (*i.e.* pre-scan) produced as a result

of an original setting of the image parameter (*i.e. focus*) [fig. 5; col. 8, ll. 21-40]; calculating image parameter modification information (*i.e. correction amount*) to correct the incorrect classification (*i.e. error*) [fig. 5; col. 8, ll. 21-40] and modifying (*i.e. 104*) the original setting of the image parameter (*i.e. focus*) to a modified setting based on the image parameter modification information (*i.e. correction amount*) [fig. 5; col. 8, ll. 21-40]; and receiving second image data representing the object (*i.e. 105*), the second image data being produced using the modified image parameter (*i.e. focus*) [fig. 5; col. 8, ll. 21-40].

Regarding claim 2, Yamada meets the claim limitations, as follows:

The method of claim 5, wherein the image parameter is an image acquisition parameter (*i.e. focus*) [fig. 5; col. 8, ll. 21-40].

Regarding claim 4, Yamada meets the claim limitations, as follows:

The method of claim 2, wherein said producing the first image data includes capturing a first image of the object (*i.e. 103*), and wherein said producing the second image data includes capturing a second image of the object (*i.e. 105*) [fig. 5; col. 8, ll. 21-40].

Regarding claim 6, Yamada meets the claim limitations, as follows:

The method of claim 2, wherein said producing the first image data includes producing first raw image data (*i.e. 103*) representing the first image using the original setting of the image acquisition parameter (*i.e. focus*), and wherein said producing the

second image data includes producing second raw image data (*i.e.* 105) representing the second image using the modified setting of the image acquisition parameter (*i.e. focus*) [fig. 5; col. 8, ll. 21-40].

Regarding claim 7, Yamada meets the claim limitations, as follows:

The method of claim 2, wherein the image acquisition parameter is at least one of an illumination parameter, resolution parameter (*i.e. focus*), sensor parameter or image view parameter (*i.e. focus*) [fig. 5; col. 8, ll. 21-40].

Regarding claim 8, Yamada meets the claim limitations, as follows:

The method of claim 5, wherein the at least one parameter is an image processing parameter (*i.e. focus*) [fig. 5; col. 8, ll. 21-40].

Regarding claim 10, Yamada meets the claim limitations, as follows:

The method of claim 8, wherein said producing the first image data includes processing raw image data representing an image of the at least one feature (*i.e. surface position*) of the object using the original setting of the image processing parameter (*i.e. focus*) to produce the first image data (*i.e.* 103), and wherein said producing the second image data (*i.e.* 105) includes processing the raw image data using the modified setting of the image processing parameter (*i.e. focus*) to produce the second image data (*i.e.* 105) [fig. 5; col. 8, ll. 21-40].

Regarding claim 11, Yamada meets the claim limitations, as follows:

The method of claim 8, wherein the image processing parameter is at least one of a processing type parameter (*i.e. focus*) or a processing complexity parameter [*fig. 5; col. 8, ll. 21-40*].

Regarding claims 13, 15, 16, 19, 21-24 and 27 all claimed limitations are set forth and rejected as per discussion for claims 2, 4-8, 10 and 11.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[4] Claims 31-33, 25, 26, 28-30 and 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. ("Yamada") [US 6,081,614].

Regarding claim 31-33, Yamada meets the claim limitations as set forth in claim 7.

Yamada does not explicitly disclose the following claim limitations:

31. The method of claim 7, wherein the image acquisition parameter is an illumination parameter, and wherein the illumination parameter is an intensity of an illumination source employed for illuminating the object.
32. The method of claim 7, wherein the image acquisition parameter is an X-ray to which the object is exposed.

33. The method of claim 7, wherein the image acquisition parameter is a sensor parameter, and wherein the sensor parameter is one of a resolution of the sensor and a dynamic range of the sensor.

However, in this field of endeavor these parameters are notoriously well known and are commonly modified to enhance image output/quality.

It would have been obvious to one with ordinary skill in the art at the time of invention to modify the teachings of Yamada and adapt other image parameters in addition to focus, the motivation being image quality improvements.

Regarding claims 25, 26, 28-30 and 34-38, all claimed limitations are set forth and rejected as per discussion for claims 31-33.

### ***Conclusion***

[5] Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Contact Information***

[6] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Sath V. Perungavoor whose telephone number is (571) 272-7455. The examiner can normally be reached on Monday to Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Matthew C. Bella whose telephone number is (571) 272-7778, can be reached on Monday to Friday from 9:00am to 5:00pm. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dated: November 10, 2008

*/Matthew C Bella/  
Supervisory Patent Examiner,  
Art Unit 2624*  

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